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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,088	09/19/2006	Chung-Cheung Chu	7000-424-1A	3935

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WITHROW & TERRANOVA, P.L.L.C.  
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CARY, NC 27518

EXAMINER
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NGUYEN, PHUNG HOANG JOSEPH

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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03/25/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,088	<b>Applicant(s)</b> CHU ET AL.	
	<b>Examiner</b> PHUNG-HOANG J. NGUYEN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/5/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Holland et al (US Pub 2005/0013286).**

Claims 1 and 12, Holland teaches a communication node and a method of determining functions to provide at a given node forming part of a communication path comprising:

at least one of:

sending from the given node **(calling party node, [0004])**, information **(broadcast a query message to all other nodes in the network [0004])**, identifying at least one of:

one or more local functions **(local knowledge, [0004])** capable of being provided to traffic (a communication call, in communication path by the given node **(only the node having local knowledge of the called extension will reply to the query message, [0004])**); and

if available, one or more remote functions capable of being provided to the

traffic by other nodes forming part of the communication path; and receiving information from at least one other node forming part of the communication path, the information identifying the one or more remote functions; and determining whether any of the one or more local functions (**local knowledge, [0004]**) should be applied to the traffic (**fig. 2 shows telephone communication**) based on criteria, which defines how the one or more local and remote functions (**local knowledge, [0004]**) are applied by the given node and other nodes and is available to the given node and other nodes (**Once the node sourcing the query message has received this reply message, it will place a call to the node servicing the called extension, [0004]**);

Claims 2 and 13, Holland teaches applying to the traffic any of the one or more local functions, which are determined to be applied to the traffic (**a call, [0004]**).

Claims 3-5 and 14-16, Holland teaches the received information is received from at least one of the other nodes that is upstream of traffic flow, and at least one of the other nodes that is downstream of the traffic flow; the at least one of the other nodes that is upstream of the traffic flow is a most proximate node upstream of traffic flow, and the at least one of the other nodes that is downstream of the traffic flow is a most proximate node downstream of the traffic flow; and creating the information to identify the one or more remote functions provided by the one or more other nodes upstream and downstream of the given node and the one or more local functions (**Fig. 2 shows the exchanges of the query messages to identify the local function or account for**

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**an identified extension as inquired by node A to node D. Node D examines its local function, e.g., local dial, and recognizes that it has the requested extension, e.g., 356. Node D sends back a reply message to node A and confirms the availability of its local function and capable of servicing the call... call connection is established [0012-0015]).**

Claims 6 and 17, Holland teaches the criteria is further based on a location of one or more other nodes relative to the given node **(determine the call is commonly located at the same node (e.g., same PBX) or different nodes in the multi-nodes network, [0004]).**

Claims 7 and 18, Holland teaches the received information identifies one or more remote nodes associated with each of the one or more remote functions **(local knowledge, local user resource, the identification of which is defined by respective three-digit extension, [0010]; or local account, [0011]).**

Claims 8 and 19, Holland teaches at least one of the one or more local and remote functions is associated with an attribute, which is sent or received with the one or more local and remote functions, the criteria defining how at least one of the one or more local and remote functions are applied based on the attribute (specific local function is spell out that only the node with extension 356 will send the reply message to inquiring node and if a node doe not have the specific extension 356, ignore the inquiry message, [0015]. So it must have a specific requested attribute to send the reply message back to inquiring node).

Claims 9 and 20, Holland teaches the traffic is voice traffic (**fig. 2 shows telephone communication**).

Claims 10 and 21, Holland teaches the given node is at least one of the group consisting of a terminal, an access point, an endpoint, a gateway, and a routing node (Nodes A, B, C and D of fig. 1 or 2).

Claims 11 and 22, Holland teaches certain of the one or more local functions and certain of the one or more remote functions are identical, the criteria defining selection indicia determining which of one or more local and remote nodes is given priority (The call is set up and assigned to the appropriate node servicing the called extension, [0011]. Hence the appropriate node enjoys the priority.

### ***INQUIRY***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614

/Phung-Hoang J Nguyen/  
Examiner, Art Unit 2614